

Exhibit "B"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEONIDES ROSARIO, et al., :
Plaintiffs : Civil Action
vs. : No. 02-CV-3025
SCM GROUP USA, INC., :
Defendant :

ORIGINAL

LEONIDES ROSARIO, et al., :
Plaintiffs : Civil Action
vs. : No. 03-CV-0761
SCM GROUP, Sp.A., :
Defendant :

December 8, 2003

Oral deposition of EDUARDO ROSADO, JR.,
taken pursuant to notice, was held at 124
Earland Drive, New Holland, Pennsylvania, 17557,
beginning at 2:10 p.m., on the above date,
before Lori A. Shuey, an Approved Registered
Professional Reporter and Notary Public in
and for the Commonwealth of Pennsylvania.

ESQUIRE DEPOSITION SERVICES

15th Floor

1880 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

(215) 988-9191

1 Q. Did you ask if there were any
2 other guards available?

3 A. No.

4 Q. Did you see any guards on any
5 other shaper that maybe would have worked
6 differently?

7 A. That's the only -- From what I
8 believe, that's the only curve machine there.

9 Q. Okay. Were there other shapers
10 but they weren't used for curves? That was a bad
11 question. Let me ask it again. Were there other
12 shapers, something where you had a flat table and a
13 cutter that projected up through the table like this
14 one?

15 A. I can't recall seeing them.

16 Q. Okay. Was that cylinder on -- Was
17 that guard on the machine at the time of your
18 uncle's accident?

19 A. No.

20 Q. Where was it?

21 A. On top of the patterns, on top of
22 the machine.

23 Q. A couple of feet away or less from
24 the cutter?

1 A. Less.

2 Q. Less. Had it been on the shaper
3 at any point during your shift that night?

4 A. No, not that I can recall, no.

5 Q. When you showed your uncle how to
6 use the shaper, did you ever show him the -- how to
7 make a cut with the guard on?

8 A. Yes.

9 Q. Why did you do that?

10 A. Just so he understood every part
11 of the machine, so he understood that it was there,
12 just so he was familiar with the entire machine and
13 where everything was at.

14 Q. What did you tell him about when
15 he should or shouldn't use that?

16 A. I didn't tell him when or when not
17 to use it. I just showed him how to put it on, and
18 I gave him the reason why I didn't use it.

19 Q. Because of visibility?

20 A. Yes.

21 Q. But did you make it clear what
22 benefits it could provide? Here's what I'm asking.
23 You were the one who was speaking to him. To the
24 best of your understanding -- Strike that.

1 To the best of your knowledge, did
2 he understand that this was a guard that kept you
3 from getting your hand to the cutter under certain
4 circumstances?

5 A. Yes. I tried to explain to him
6 what was the intent of the guard, but, again, it
7 doesn't completely cover -- there's still a chance
8 that you could get your hand in there.

9 Q. Right, because the wood still has
10 to get to the cutter. Right?

11 A. Yes.

12 Q. But above that, it does provide
13 some guarding. Right?

14 A. Um-hum.

15 Q. Yes?

16 A. Yes.

17 Q. And your uncle understood that
18 based on what you told him and what you understood?

19 A. I could assume he did. I can't
20 say whether he did or not.

21 Q. Well, let's put it this way, you
22 were the one explaining it to him. I presume you
23 were speaking in Spanish?

24 A. Yes.

1 Q. Is there any reason today that you
2 think he didn't understand what you were telling
3 him?

4 A. No.

5 Q. Okay. I'm going to show you
6 Exhibit 6, Photograph M. Do you recall seeing a
7 clipboard with something like that --

8 A. No.

9 Q. -- attached to it?

10 A. No.

11 Q. Never?

12 A. Never.

13 Q. How about after the accident?

14 A. No.

15 Q. Let me show you a document that
16 was marked as Exhibit 7, and I'll represent to you
17 that that is a copy of what's shown in the
18 photograph on the clipboard. Okay?

19 A. Okay.

20 Q. Does that look familiar to you?

21 A. No.

22 Q. As far as you know, the next time
23 you saw the shaper after your uncle's accident, had
24 it been used?